

### **REMARKS**

The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the foregoing amendments and the following remarks, a reconsideration of the instant application is respectfully requested.

In order to expedite the prosecution of this application claims 1 and 3 have been amended. Claims 1-11 are now in this application.

#### **Regarding the Claim § 112 Rejections**

The Examiner rejected claims 4-11 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 4-11 have been cancelled.

The Examiner rejects claims 1-11 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 was specifically rejected under 35 U.S.C. 112, second paragraph, because the Examiner feels that claim 1 remains confusing in lines 14-25 thereof. Claim 1 has been amended to remove all confusing language, as requested by the Examiner. Specifically, lines 8-20 directed toward the "elastic consoles" has been amended to clearly claim that the elastic consoles are rectangular plates formed by slots defined on three sides thereof with a forth side of the elastic consoles being connected to the lower portion. Additionally, the phrase "the root" has been changed to "a root" thereby introducing the root element and thereby providing sufficient antecedent basis.

Furthermore, the phrase "cab be inserted with tooth of other cases" has been amended to read "can be inserted with the tooth of elastic consoles of other cases", thus clearly associating the tooth with elastic consoles.

Claim 3 was rejected under 35 U.S.C. 112, second paragraph, because the term "and" on line 2 should be changed to "or". Claim 3 has been amended as requested by the Examiner.

Claims 4-11 have been cancelled.

The Examiner states that "claims 1-3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2 second paragraph". The Applicant respectfully believes that the amendments to claim 1 and 3 comply with all the Examiners requests and overcomes all rejections, and is thereby believed to be in condition for allowance.

### **Regarding the Claim § 103 Rejection**

The Examiner rejects claims 4-11 under 35 U.S.C. 103(a) as being unpatentable over Byrne et al. Claims 4-11 have been cancelled.

### **Regarding the Previously Filed Request for Withdrawal as Agent**

A Request for Withdrawal as Agent was inadvertently filed on 09/05/2008 and was done in error without any deceptive intent. A new Power of Attorney signed by the inventor is submitted herewith.

### **Conclusion**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Applicant has endeavored to address all of the Examiner's concerns as expressed in the Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above-remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the clarity of the claims to particularly and distinctly point out the invention to those of skill in the art. Finally, Applicant submits that the claim limitations above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

With the above amendments being fully responsive to all outstanding rejections and formal requirements, it is respectfully submitted that the claims are now in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, the Examiner is cordially invited to telephone the undersigned at (403) 444-5695, or by email at davidguerra@internationalpatentgroup.com.

A three month extension of time fee of \$555.00 is provided.

Respectfully Submitted,

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On (Date) 12/17/2008 by David A. Guerra /David A. Guerra/